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for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LUCKY COMPANY, a New Jersey partnership,
MORTY WOLOSOFF REVOCABLE TRUST, a
Florida trust, STEPHEN N. DRATCH, as trustee,
WENDY W. HAYES, (aka Wendy Wolosoff), as
trustee, GLORIA WOLOSOFF REVOCABLE
TRUST, a Florida trust, and STEPHEN N.
DRATCH, as trustee,

Defendants.

Adv. Pro. No. 10-04346 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF
ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants Lucky Company, Morty Wolosoff Revocable Trust, Stephen N. Dratch and Wendy W. Hayes, as trustees, and Gloria Wolosoff Revocable Trust, Stephen N. Dratch, as trustee (collectively, “Defendants” and individually a “Defendant”), by and through their respective counsel as stated below (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed the Complaint against Defendants (and certain other persons who have been dismissed).

2. On September 13, 2011, Defendant Wendy W. Hayes, as trustee of the Morty Wolosoff Revocable Trust filed an Answer to the Complaint, and filed an Amended Answer on September 30, 2011, by and through her counsel, Stein Riso Mantel, LLP.

3. On April 16, 2014, Defendant Stephen N. Dratch, as trustee of the Morty Wolosoff Revocable Trust and the Gloria Wolosoff Revocable Trust filed an Answer to the Complaint by and through his counsel, Franzblau Dratch, P.C.

4. On April 17, 2014, Lucky Company filed a Motion to Dismiss the Complaint by and through its counsel, Lax & Neville LLP. The motion has not been determined.

5. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release as of May 16, 2017.

6. Pursuant to the terms of the Settlement Agreement and Release, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: July 6, 2017
New York, New York

BAKER & HOSTETLER LLP

Of Counsel:

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*Attorneys for Defendant Wendy W. Hayes,
as Trustee of the Morty Wolosoff Revocable
Trust*

SO ORDERED

Dated: July 10, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE